



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,160	12/31/2001	Shmuel Shaffer	062891.0623	9353

5073 7590 02/18/2005

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/039,160

Applicant(s)

SHAFFER ET AL.

Examiner

Quynh H Nguyen

Art Unit

2642

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED \_\_\_\_\_ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1-50.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

Quynh H. Nguyen  
Tel:(703)-305-5451

Applicant's arguments with respect to claims 1-50 have been considered but are not persuasive.

Applicant argues that there is no motivation to combine Dinwoodie and Hemmady and "Examiner fails to identify how the feature of timing out a connection request from a "MINT" of Hemmady is in any way related to the disabling of media from a device in a multiparty communication session" and "fails to describe after establishing the multiparty communication session, prompting the participants to identify themselves as active participants". Examiner respectfully disagrees. First of all, Examiner respectfully submits that identifying how the feature of timing out a connection request from a "MINT" is irrelevant to the claimed invention. Secondly, Dinwoodie teaches (col. 4, lines 14-15 and 21-23) that if no password or PIN has been input, the telephone call is terminated or disabled. Examiner cited Hemmady which teaches (col. 25, line 58 through col. 26, line 8) that if a connection request by the data switches the memory interface modules (MINTs) are ignored or no acknowledgement received within a specified time, the MINT times out or disables the connection request to fill in the missing elements "after establishing the multiparty communication session, prompting the participants to identify themselves as active participants" from Dinwoodie (primary reference). Furthermore, prompting the active participants to identify themselves after establishing the communication session is well known and the advantage of using it is also well known. For example, in a teleconference system, active participants identify themselves so that other participants in the conference know who is speaking, and

Art Unit: 2642

another advantage as mentioned in the previous office action is to save system resource and avoid the link or port being tied up.

Applicant challenges the Examiner to provide any other references that teach "receiving a control signal from a participant to the conference call is receiving on-hold content from at least one on-hold endpoint". Examiner cites Ramaswamy (U.S. Patent 6,628,768) which teaches (col. 6, lines 5-64) that the CPE alerting signal is recognized and the conference call is muted or put on-hold. Applicant further argues that Dinwoodie fails to teach the limitations "receiving replies from active participants to the conference call and terminating media from devices associated with each participant not sending a reply". The above limitations are taught by Dinwoodie and Hemmady as discussed above.

The same response would apply to claim 50 with respect to an on-hold handler. Applicant further argues that there is no motivation to combine Horn and Dinwoodie. Examiner respectfully submits that both Horn and Dinwoodie teach about conferencing and belong to class 379 (Telephone Communications).



**AHMAD F. MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700